

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARIANNE FEZZA and JAMES K.  
DUANE, Individually and on Behalf of all  
Other Persons Similarly Situated,

Plaintiffs,

-against-

JP MORGAN CHASE & CO and,  
JP MORGAN CHASE BANK, N.A.,

Defendants.

Case No.08 Civ. 3004

**NOTICE OF  
VOLUNTARY DISMISSAL  
PURSUANT TO F.R.C.P. 41 (a)(1)**

The Plaintiffs, Maryanne Fezza and James Duane, and opt-in Plaintiff, Richard Majewski, by and through their undersigned attorneys, hereby gives notice, in accordance with Fed. R. Civ. P. 41(a)(1), of the voluntary dismissal of the above entitled action without order of the court.

With respect thereto, the Plaintiffs state that no answer or motion for summary judgment has been received by counsel for the Plaintiffs. Such dismissal is without prejudice and is not on the merits. There has been no prior dismissal in any court of the United States or of any state of an action based on or including the same claim as presented by the Plaintiffs in its complaint herein.

Dated: May 22, 2008

/s/ Fran L. Rudich

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